

## **REMARKS/ARGUMENTS**

### **The Objection**

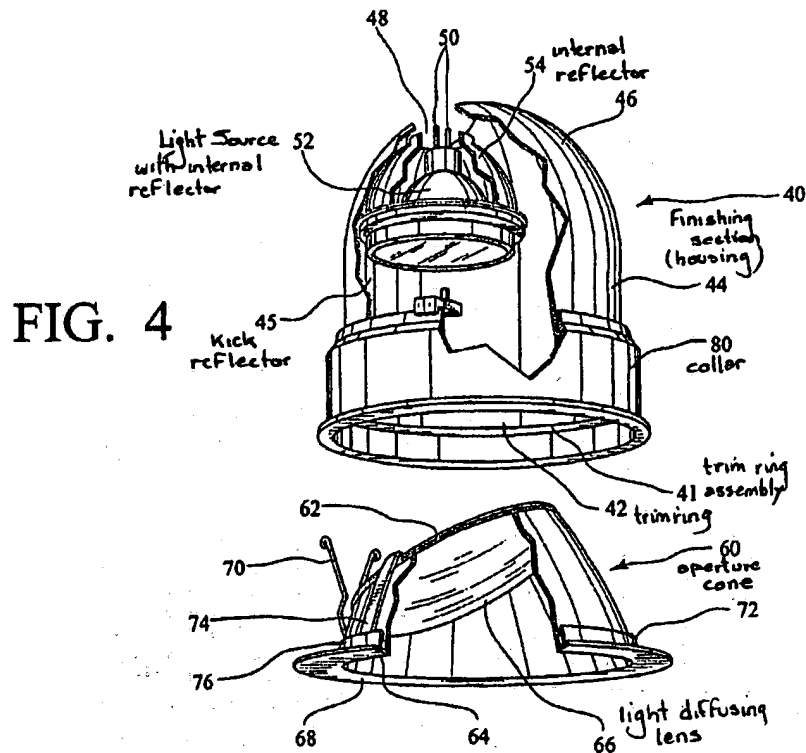
Claim 18 is objected to because of the following informalities: spelling error appears in line 5, where “a individual light source” should be corrected to “an individual light source.” Appropriate correction is required.

### **Response to the Objection**

The noted spelling error has been corrected.

### **Note to Reader**

To assist the reader with an understanding of the following claim rejections, Figure 4 from U.S. Patent No. 6,632,006 is reproduced below. Where appropriate, the names of pertinent parts of the invention as used by the Examiner are written in next to the reference numbers. Differing from typical practice, the domed can 45 is called a kick reflector and what would typically be called a kick reflector is called an aperture cone 60.



### The First Rejection – 35 U.S.C. 102 (Novelty)

The United States Patent and Trademark Office has rejected Claims 1, 3-7 and 9-10 under 35 U.S.C. 102(e) as being anticipated by the Rippel et al. reference (USPN 6,632,006).

### 35 U.S.C. 132 Rationale

Regarding claim 1, the Rippel et al. reference discloses a light source (52) including an internal reflector (e.g., 52, 54) for emitting light, a mounting for the light source (6), the mounting constructed and arranged to position the light source near the plane of a ceiling (20) or a floor adjoining the wall and to direct the light emitted from the light source at an acute angle (claims 6 and 17) to a plane perpendicular to the plane of the ceiling (20) or the floor and away from the wall (e.g., Figure 6), an arcuate kick

reflector (columns 4, lines 25-55) constructed and arranged to reflect the light emitted from the light source and direct the light emitted from the light source toward the wall (e.g., column 4, lines 25-40; *"the lamp 52 is positioned off the vertical axis of the finishing section 40 ... a kick reflector 45 to kick a portion of the light emitted outward from the fixture at high angles to illuminate a nearby wall close to the ceiling line"* & column 5, lines 15-25; *"the finishing section 40 and the aperture cone 60 may be rotated in collar 80 once they are installed in rough-in section 12 in order to aim or adjust the light output from the fixture 10 toward an nearby wall"*), whereby the combination of the mounting of the light source and the reflection of the arcuate kick reflector provides substantially uniform illumination of the wall (column 3, lines 1-10).

Regarding claims 3 and 9, the Rippel et al. reference discloses the kick reflector (columns 4, lines 25-55) includes a reflective surface constructed and arranged to diffuse the light emitted by the light source and reflect the emitted light through the arcuate opening.

Regarding claims 4 and 10, the Rippel et al. reference discloses a light-diffusing lens (66) between the light source and the kick reflector.

Regarding claim 5, the Rippel et al. reference discloses a trim ring assembly connected to the adjustable mounting (column 5, lines 15-25).

Regarding claim 6, the Rippel et al. reference discloses a housing (40) connected to the trim ring (41) assembly.

Regarding claim 7, the Rippel et al. reference discloses a trim ring assembly, a housing (40) connected to the trim ring (41, 42) assembly, the housing constructed and

arranged to provide a mounting for a light source (52) including an internal reflector (e.g., 53, 54), a light source positioning ring connected to the trim ring and positioned within the housing, the light source mounting ring including a mounting surface positioned in a plane which is at an acute angle (claims 6 and 17) with respect to the plane of the trim ring assembly to direct the light emitted from the light source away from the wall (e.g., Figure 6), a substantially arcuate kick reflector having an arcuate opening, the substantially arcuate kick reflector constructed and arranged to be positioned within the light source positioning ring to direct the light rays emitted from the light source toward the wall (e.g., column 4, lines 25-40; *"the lamp 52 is positioned off the vertical axis of the finishing section 40 ... a kick reflector 45 to kick a portion of the light emitted outward from the fixture at high angles to illuminate a nearby wall close to the ceiling line"* & column 5, lines 15-25; *"the finishing section 40 and the aperture cone 60 may be rotated in collar 80 once they are installed in rough-in section 12 in order to aim or adjust the light output from the fixture 10 toward an nearby wall"*), whereby substantially uniform illumination of an area on a wall is provided (column 3, lines 1-10).

### **The Second Rejection – 35 U.S.C. 103 Obviousness**

Claims 2, 8, and 11-13, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippel et al. reference (USPN 6,632,006).

### **35 U.S.C. 132 Rationale**

Regarding claims 2 and 8, the Rippel et al. reference discloses a kick reflector 45 to kick a portion of the light emitted outward from the fixture at an angle to a nearby wall close to the ceiling.

The Rippel et al. reference failed to disclose the specifics of the acute angle is about 1 degree to about 5 degrees.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify workable ranges of the acute angle to illuminate the nearby wall from the ceiling, where the distance of the light from the wall would most likely determine the correct acute angle for the uniform illumination of the wall, and since it has been held that where the general conditions of a claim are disclosed in prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claims 11-13, 15-17, the Rippel et al. reference discloses the structural limitations of the applicant's claimed invention explained above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify or claim of a use of a light fixture where the Rippel et al. reference clearly provides the claimed structure that would perform the same.

Regarding claims 18-20, the Rippel et al. reference discloses a light source (6), a light fixtures, an individual light source including an internal reflector (e.g., 52, 54) for emitting light, an adjustable mounting for positioning the individual light source at an acute angle (claims 6 and 17) with respect to a plane perpendicular to either the ceiling (20) or the floor adjoining the wall to direct the light from the light source away from the

wall (e.g., Figure 6), a housing for positioning the adjustable mounting, a trim ring assembly connected to the housing, a substantially arcuate kick reflector (column 4, lines 25-55) having an arcuate opening, the substantially arcuate kick reflector constructed and arranged for directing light emitted from the light source in the wall, whereby the combination of the positioning of the light source and the substantially arcuate kick reflector (column 4, lines 25-55) within the plurality of individual mounted light fixtures provides a substantially uniform level of illumination on the wall (e.g., column 4, lines 25-40; *"the lamp 52 is positioned off the vertical axis of the finishing section 40 ... a kick reflector 45 to kick a portion of the light emitted outward from the fixture at high angles to illuminate a nearby wall close to the ceiling line"* & column 5, lines 15-25; *"the finishing section 40 and the aperture cone 60 may be rotated in collar 80 once they are installed in rough-in section 12 in order to aim or adjust the light output from the fixture 10 toward an nearby wall"*) ... a substantially arcuate kick reflector (column 4, lines 25-55) having an arcuate opening therein, the substantially arcuate kick reflector positioned within the housing to reflect light from the light source toward a wall, the substantially arcuate kick reflector (column 4, lines 25-55) including a curved planar interior reflecting surface ... the substantially arcuate shape of the kick reflector (column 4, lines 25-55) is selected from a group including, substantially circular, substantially elliptical, and substantially oval.

The Rippel et al. reference discloses the claimed invention except the prior art does not clearly show a plurality of individual light fixtures.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the plurality of light fixtures of the Rippel et al. reference to the ceiling for even greater illumination throughout the room or the wall, since it has been held that mere duplication of the essential working parts of the device involves only routine skill in the art.

### **Response to the First and Second Rejections**

In the Amendment filed on September 27, 2005 in response to the First Office Action dated June 28, 2005, the Applicant argued that a key distinguishing feature between the light fixture disclosed in the instant application and the light fixture disclosed in the Rippel et al. reference was the orientation of the light source with respect to the wall surface to be illuminated. Specifically, it was argued that the light source in the light fixture disclosed in the instant application was directed away from the wall while the light source in the light fixture disclosed in the Rippel et al. reference was directed toward the wall surface to be illuminated.

The foregoing argument was specifically addressed by the US Patent and Trademark Office in the Office Action dated December 15, 2005 wherein specific language from the Rippel et al. reference was cited to support the position that the wall to be illuminated by the disclosed light fixture could be located either to the left or right of the light fixture as illustrated in Fig. 6 from the Rippel et al. reference. The language used reads as follows:

*"The lamp 42 is contained within lamp housing 54, which, in turn, is attached to the finishing section 40 by a bracket (not shown). The lamp 52 is positioned off the*

*vertical axis of the finishing section in a non-centrally aligned manner. Thus, the reflective surface of the side wall 44 cooperates with the off axis location of the lamp 52 to operate as a kick reflector 45 to kick a portion of the light emitted outward from the fixture at high angles to illuminate a nearby wall close to the ceiling line. Other light not exiting the aperture 42 directly may be reflected around the reflective surface of the side wall 44 until it either exits the finish section 40 or is converted to As heat as spill light.*  
(Column 4, lines 27-39)

*Lens 66 is held to aperture cone section 60 by a spring extension 74 attached to a ring 76 around the outer edge of bottom rim 64. Spring arm 72 is also attached to ring 76.*

*An additional feature of the preferred embodiment, as shown in Fig. 4, is a collar 80 which is rotatably coupled to the finishing section 40 around the lower outer portion of finishing section sides 44. Thus, the finishing section 40 and the aperture cone 60 may be rotated in collar 80 once they are installed in rough-in section 12 in order to aim or adjust the light output from the fixture toward a nearby wall. (Column 5, lines 15-25).*

The foregoing language from the Rippel et al. reference has been interpreted by the US Patent and Trademark Office to mean that the rotation of the finishing section 40 and the aperture cone 60 in collar 80 as described with reference to Fig. 4 of the Rippel et al. reference means that the light fixture illustrated in Fig. 6 of the Rippel et al. reference can be made to illuminate a wall whether the wall is located to the left or the right of the light fixture illustrated in Fig. 6 of the Rippel et al. reference by simply rotating the finishing section 40 and the aperture cone 60 within collar 80. Accordingly,



the rays from the light source may be directed either toward the wall to be illuminated or away from the wall to be illuminated. It is therefore the opinion of the US Patent and Trademark Office that because the location of the wall to be illuminated on either the left side or the right side of the fixture shown in Figure 6 of the Rippel et al. reference is not delineated in the specification portion of the Rippel et al. reference and because the orientation finishing section 40 and aperture cone 60 may be changed by simply rotating them with respect to collar 80, the location of the wall to be illuminated may be either to the left or the right of light fixture shown in Fig. 6 of the Rippel et al. reference.

It is the position of the Applicant that the opinion of the US Patent and Trademark Office evidences a misunderstanding of the teachings of the Rippel et al. reference.

Attached hereto is a 37 CFR 1.132 Declaration in which the inventor named in the instant application demonstrates that the position of the wall with respect to the lighting fixture disclosed in the Fig. 6 of the Rippel et al. reference can only be to the left of the lighting fixture if the user is to obtain the desired effect of substantially uniform illumination of the wall located near the lighting fixture. Further, the attached 37 CFR 1.132 Declaration illustrates that the light rays from the light source used in the Rippel et al. reference are not reflected by the kick reflector before striking the wall.

Because the claims now specifically indicate that the orientation of the light source within the lighting fixture is away from the wall so that the light rays emanated from the light source are directed first to the kick reflector and then re-directed back to the wall the construction of the lighting fixture in the pending claims is different from the construction of the lighting fixture described in the Rippel et al. reference. This

difference in the construction of the lighting fixture to direct the light rays first away from the wall and then back to the wall with a kick reflector is clearly delineated in the claims and accordingly, the claims are now in a condition for allowance.

**Closing**

As the pending independent claims have now been amended to distinguish the disclosed invention from the cited reference, all pending claims are now in a condition for allowance. Such action, upon reconsideration by the United States Patent and Trademark Office, is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan R. Thiele", written over a horizontal line.

Alan R. Thiele  
Reg. No. 30,694

Strasburger & Price, LLP  
901 Main Street, Suite 4400  
Dallas, TX 75202  
Telephone: (210) 250-6014  
Facsimile: (210) 250-6100

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# APPENDIX A